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Notice of Allowability	Application No.	Applicant(s)	
	10/735,942	DOBSON ET AL.	
	Examiner	Art Unit	
	Demetrius R. Pretlow	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed November 28, 2005.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

Claims 1-24 are allowed.

The best prior art of record particularly Wang (US 2003/0229462) teach A method is disclosed wherewith a person skilled in the art of statistical quality control may determine whether a process, goods, or service is statistically equivalent to another of known quality, or to a desired target quality. However Wang does not teach the following claim limitations.

The primary reason for the allowance of claims 1-7,12-18 is the inclusion of the method steps of arranging data of steps b and c in an array having a total number of array elements; providing a numeric upper limit and a numeric lower limit relating to the array, the upper limit being greater in magnitude than the lower limit, at least one array element having a magnitude between the upper limit and the lower limit; calculating an equivalency index relating to the quotient of dividing the number of array elements greater in magnitude than the lower limit and smaller in magnitude than the upper limit by the total array elements; It is these steps found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 8-11 is the inclusion of the method steps of arranging data of steps b in an array having a total number of array elements; providing a numeric upper limit and a numeric lower limit relating to the array, the upper limit being greater in magnitude than the lower limit, at least one array element having a magnitude between the upper limit and the lower limit; calculating an

equivalency index relating to the quotient of dividing the number of array elements greater in magnitude than the lower limit and smaller in magnitude than the upper limit by the total array elements. It is these steps found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 19-20 is the inclusion of the method steps of arranging data of steps b and c in arrays each associated with a group of products, each array having a total number of array elements; providing a numeric upper limit and a numeric lower limit relating to the array, the upper limit being greater in magnitude than the lower limit, at least one array element having a magnitude between the upper limit and the lower limit; calculating an equivalency index relating to the quotient of dividing the number of array elements greater in magnitude than the lower limit and smaller in magnitude than the upper limit by the total array elements; It is these steps found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 20-24 is the inclusion of the method steps of d. arranging data of steps b and c in arrays each associated with a process, each array having a total number of array elements; providing a numeric upper limit and a numeric lower limit associated with the parameter and relating to the arrays, the upper limit being greater in magnitude than the lower limit; calculating an equivalency index for each array relating to the quotient of dividing the number of each

said array elements greater in magnitude than the lower limit and smaller in magnitude than the upper limit by the total elements of said array; and providing a criterion and comparing each equivalency index to the criterion to determine whether the process associated with said index conforms to the criterion. It is these steps found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (571) 272-2278. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Demetrius R. Pretlow

Demetrius Pretlow 2/16/06

BRYAN BUI
PRIMARY EXAMINER

Bryan Bui